

### **III. Remarks**

Claims 1 and 3-23 presently stand rejected on the basis of prior art; claims 27-30 presently stand rejected as being indefinite.

By this paper, Applicants are amending Claims 1, 4, 5, 9-10, 12, 15, 17, 18, 22, and 23. Accordingly, Claims 1 and 3-30 are pending. Reconsideration and further examination of this application are respectfully requested.

#### ***Allowable Subject Matter***

Applicants gratefully acknowledge that the Examiner has allowed claims 24-26, and that the Examiner would allow claims 27-30 if rewritten to overcome a rejection for being indefinite.

In response thereto, and in order to overcome the rejection for being indefinite, claim 27 has been amended to depend from claim 26. Claims 28-30 depend indirectly from claim 27. For these reasons, as well as all the reasons given below, Applicants respectfully request that claims 24-30 be passed along to issuance.

#### ***Claim Rejections – 35 U.S.C. § 112***

The Examiner rejected claims 27-30 under 35 U.S.C. § 112, second paragraph, as being indefinite. More specifically, the Examiner rejected claim 27 for depending on claim 31. In response thereto, and in order to overcome the rejection for being indefinite, claim 27 has been amended to depend from claim 26.

Claims 28-30 depend indirectly from claim 27. Therefore, the Examiner should withdraw the rejection of claims 27-30.

#### ***Further Claim Clarifications***

Prior to discussing the cited references, it is believed that a brief discussion of the current form of the claims of this application is warranted. Claims 1, 4, 5, 9, 10, 12, 15, 17, 18, and 22-26 have been amended to clarify, more particularly to point out and

distinctly claim that which Applicants regard as the subject matter of the present invention.

Claims 1 and 17 have been amended to claim a purgeable hydrocarbon connecting element. Claims 4, 5, 9, 10, 12, 15, 18, 22, and 23 have been amended to consistently refer to the purgeable hydrocarbon connecting element.

Claims 1, and 17, and 24 have been amended to replace the phrase that the hydrocarbons are *absorbed by* the element with the phrase that the hydrocarbons are *engaged with* the element. (Emphasis added). Claims 9, 10, 22, and 23 have been amended to be consistent with claims 1 and 17 respectively.

Claim 24 has been amended to recite a method for releasably *collecting* hydrocarbons. (Emphasis added). Claims 25 and 26 have been amended to be consistent with claim 24.

### ***Rejections Under 35 USC §102***

The Examiner rejected claims 1, 3, 9-12, 14, 15, 17, and 18 under 35 U.S.C. § 102(b) as being anticipated by *Hochmuth et al* (U.S. Patent No. 6,000,217).

Claim 1 has been amended to recite that the detecting means includes a first portion and a second portion each connected to the purgeable hydrocarbon collecting element such that an electrical connection between the first portion and the second portion is completed by the purgeable hydrocarbon collecting element. The paragraph starting on page 5, line 23 and Figures 1-4 and 8 of the original Application as filed disclose the detecting means 18 having a first portion 18 and a second portion 18 both connected to the purgeable hydrocarbon collecting element 14 in order to form an electrical connection. Therefore, no new matter is added.

*Hochmuth et al* discloses sensors 18, 26 located upstream and downstream from a hydrocarbon trap 16 in order to measure whether an exhaust system is running lean or rich and or to measure temperature of the exhaust. However, the sensors 18, 26 are not connected to the hydrocarbon trap 16, and an electrical connection is not completed by either the hydrocarbon trap 16 or by hydrocarbons engaged with the hydrocarbon trap 16. (*Hochmuth et al*, col. 7, lines 8-34). Therefore, claim 1 is not anticipated by *Hochmuth et al*.

Claims 3, 9-12, 14, and 15 depend indirectly from claim 1. Therefore, claims 1, 3, 9-12, 14, and 15 are allowable for the reasons discussed above.

Claim 17 has been amended to recite a circuit including an electrical connector and the purgeable hydrocarbon collecting element. Furthermore, the circuit is recited as being configured to detect the level of hydrocarbons engaged with said purgeable hydrocarbon collecting element. The paragraph starting on page 5, line 23 and Figures 1-4 and 8 of the original Application as filed disclose a circuit including the detecting means 18 and the purgeable hydrocarbon collecting element 14. Therefore, no new matter is added.

*Hochmuth et al* discloses sensors 18, 26 located upstream and downstream from a hydrocarbon trap 16 in order to measure whether an exhaust system is running lean or rich and or to measure temperature of the exhaust. However, the sensors 18, 26 do not form an electrical circuit with the hydrocarbon trap 16. (*Hochmuth et al*, col. 7, lines 8-34). Therefore, claim 1 is not anticipated by *Hochmuth et al*.

Claims 18, 22, and 23 depend indirectly from claim 17. Therefore, claims 17, 18, 22, and 23 are allowable for the reasons discussed above.

### ***Rejections Under 35 USC §103***

#### **Rejections Under *Hochmuth et al* in view of *Gadkaree et al***

The Examiner rejected Claims 4-8 and 13 under 35 U.S.C. § 103(a) as being unpatentable over *Hochmuth et al* in view of *Gadkaree et al* (U.S. Patent No. 6,097,011).

Claims 4-8 and 13 depend from amended claim 1. *Hochmuth et al* does not anticipate amended claim 1 and does not render claim 1 obvious. *Gadkaree et al* fails to cure the deficiencies of *Hochmuth et al*.

*Gadkaree et al* discloses a carbon absorbing body 12 and a power supply that supplies heat to the carbon absorbing body 12 in order to facilitate the release of hydrocarbons. (*Gadkaree et al*, col. 2, line 66 – col. 3, line 9). *Gadkaree et al* fails to disclose any detecting means connected to the carbon absorbing body 12 for detecting the level of hydrocarbons engaged with the carbon absorbing body 12. Therefore

neither, *Hochmuth et al* nor *Gadkaree et al*, viewed solely or in combination with each other, anticipates amended claim 1. Therefore, claims 4-8 and 13 should be allowed.

Rejections Under *Hochmuth et al* in view of *Visser et al*

The Examiner rejected Claims 16 and 19-21 under 35 U.S.C. § 103(a) as being unpatentable over *Hochmuth et al* in view of *Visser et al* (U.S. Patent No. 5,265,417).

Claim 16 depends from amended claim 1 and claims 19-21 depend from amended claim 17. *Hochmuth et al* does not anticipate amended claim 1 or amended claim 17 and does not render claims 1 and 17 obvious. *Visser et al* fails to cure the deficiencies of *Hochmuth et al*.

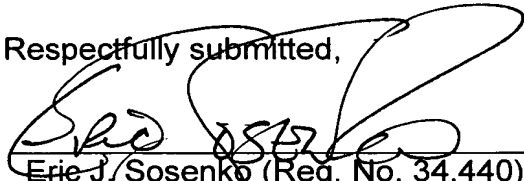
With respect to claim 16, *Visser et al* discloses an exhaust system having a first sensor 20 measuring the hydrocarbon content of air before it enters a catalytic converter 14 and a second sensor 22 measuring the hydrocarbon content of air after it leaves the catalytic converter 14. (*Visser et al*, col. 3, lines 17-65, Figures 1 and 3). However, neither sensor 20, 22 is connected to the catalytic converter 14. Furthermore, the sensors 20, 22 do not cooperate with either the catalytic converter 14 or the hydrocarbons engaged with the catalytic converter 14 in order to form an electrical connection. Therefore, *Visser et al* fails to cure the deficiencies of *Hochmuth et al*, and claim 16 should be allowed.

With respect to claims 19-21, *Visser et al* fails to disclose a circuit including a purgeable hydrocarbon collecting element. *Visser et al* discloses an exhaust system having a first sensor 20 measuring the hydrocarbon content of air before it enters a catalytic converter 14 and a second sensor 22 measuring the hydrocarbon content of air after it leaves the catalytic converter 14. (*Visser et al*, col. 3, lines 17-65, Figures 1 and 3). However, neither sensor 20, 22 forms a circuit with the catalytic converter 14. Therefore, *Visser et al* fails to cure the deficiencies of *Hochmuth et al*, and claim 16 should be allowed.

**Conclusion**

In view of the above remarks, it is respectfully submitted that the present form of the claims are patentably distinguishable over the art of record and that this application is now in condition for allowance. Therefore, Applicants request that the Examiner grant early allowance of these claims. The Examiner is invited to contact the undersigned attorney for the Applicants via telephone number (734) 302-6000, if such communication would expedite this application.

6/18/04  
Date

Respectfully submitted,  
  
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Attachment: Replacement Drawings (2 Sheets)